

PROSECUTOR, from page 5

judge Neal Lemery. He served as the Tillamook County District Attorney before taking the bench to preside over courtrooms in several of Oregon's coastal communities.

"When you take a felony case to grand jury, the jurors say 'OK.' They don't know the law," he said. "The old joke is: The DA can get a grand jury to indict a ham sandwich."

But keeping the grand jury process behind closed doors isn't the only priority of the prosecutors' lobby.

"As a collective, the District Attorneys Association has a pretty consistent history of opposing progressive criminal justice reforms," Rogers said.

In addition to its opposition to changes to mandatory minimum sentences, he said, "we've seen relative inaction around issues of trying to fix racial disparity within the system."

Oregon Justice Resource Center, in part, works to exonerate those who have been wrongly convicted. Its director, Singh, said the Oregon District Attorneys Association, through the Multnomah County District Attorney's Office, initially came out against amendments to a statute that allows individuals who have been convicted in

Oregon access to DNA testing to prove their innocence.

"The Oregon Department of Justice, the Chiefs of Police, advocacy organizations and an unanimous legislature all supported the amendments," said Singh.

He said eventually, the district attorneys group went neutral on the bill, but because of its initial opposition, getting the amendments out of committee was a challenge.

"District attorneys oppose any legislation that will reduce their power base in the courtroom and in the plea-bargaining process," said Meyer.

And the scales of justice are already tipped in the prosecutors favor.

Lemery said district attorneys have police resources, a crime lab and larger budget at their disposal when building a case. In contrast, public defenders have huge caseloads and very limited resources.

District attorneys are also paid substantially higher salaries than public defenders.

In recent weeks, Street Roots has

reported on how decisions made by prosecutors have a tremendous impact on the local criminal justice system, from the office's focus on the issuance of thousands of non-violent quality-of-life charges that

disproportionately affect communities of color, including people experiencing homelessness and mental illness, to the practice of trying juveniles as adults under Measure 11, only to have them plead guilty to a lesser crime.

"How would Rod (Underhill) characterize his leadership in addressing the severe racial disparity in Multnomah County's criminal justice system?" Rogers asked. "The numbers are terrible and the district attorney has the most power in the system to address the racial disparity. He continues to prosecute black people for low-level offenses at seriously disproportionate rates. This is not only incredibly damaging to individuals and our community, but serves little to no public safety value."

As county and city officials grapple with an inequitable criminal justice system that

continues to suffer from dwindling resources, Director of Metropolitan Public Defenders Lane Borg said it's time to take "a hard look" at whether or not some low-level charges should be filed. Borg also took part in the panel discussion at City Club of Portland in March.

Multnomah County Chair Deborah Kafoury recently announced proposals to cut the number of beds at county jails, but absent from public discussion has been the prosecutorial policies that can send people to those beds in the first place.

"There are some very serious issues that we don't really get to talk about as voters or as the public, because we haven't had a contested DA race in this county for, I don't know how long, more than 30 years?" Rogers said.

His agency's report recommends that district attorneys across Oregon be held accountable for their policies and practices. It also encourages more challengers in district attorney races and asks that the governor "lift the selection process out of secrecy" and appoint district attorneys who are prepared to modernize and reform the criminal justice system.

emily@streetroots.org



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